

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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United States of America,

-v-

15-cr-769 (AJN)

Trevon Gross,

Defendant.

ORDER

ALISON J. NATHAN, District Judge:

In its Opinion and Order dated April 13, 2020, the Court concluded that it then lacked authority to grant immediately Mr. Gross's motion for compassionate release, because it could not waive the statutory exhaustion requirement 18 U.S.C. § 3582(c)(1)(A) imposes. *See* Dkt. No. 764 at 1–5. It went on to conclude that it *would* grant Mr. Gross's motion for release on May 2, 2020, at which point the Court would have authority to modify his sentence pursuant to 18 U.S.C. § 3582(c)(1)(A). *See id.* at 5–8; *see also* 18 U.S.C. § 3582(c)(1)(A).

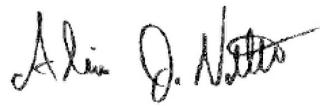
The Court has since reconsidered its position on 18 U.S.C. § 3582(c)(1)(A)'s statutory exhaustion requirement and concluded that because that requirement is amenable to certain equitable exceptions, the Court *may* excuse a defendant's failure to comply with it. *See United States v. Scparta*, No. 18-cr-578, Dkt. No. 69 at 7–16 (S.D.N.Y. Apr. 19, 2020). As a result, counsel for Mr. Gross seeks an order granting immediate release. Dkt. No. 767.

For the reasons stated in *United States v. Scparta*, the Court now excuses Mr. Gross's failure to comply with 18 U.S.C. § 3582(c)(1)(A)'s statutory exhaustion requirement. Furthermore, for the reasons stated in its April 13, 2020 Opinion and Order, it now GRANTS

Mr. Gross's motion for compassionate release. *See* Dkt. No. 764 at 5–8. The Court will order his IMMEDIATE RELEASE by separate order.

SO ORDERED.

Dated: April 20, 2020
New York, New York



ALISON J. NATHAN
United States District Judge